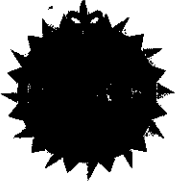


METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County



Bill Purcell Mayor

Ronal W. Serpas Ph.D.
Chief of Police

April 8, 2004

RECEIVED & INSPECTED

APR 15 2004

FCC - MAILROOM

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: RM-10865/DA No. 04-700 --
Comments on the CALEA Petition for Rulemaking

Dear Secretary Dortch:

As Chief of the Metropolitan Nashville Police Department (MNPd), a member of the Major Cities Chiefs Association which represents law enforcement in the 54 largest cities across the Nation, I respectfully request your support for the petition submitted by the U.S. Department of Justice's ("DOJ"), Federal Bureau of Investigation's ("FBI"), and U.S. Drug Enforcement Administration's ("DEA") Joint Petition ("Petition") filed on March 10, 2004, before the Federal Communications Commission ("FCC") requesting that the FCC resolve, on an expedited basis, various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act ("CALEA").

In October 1994, Congress took action to protect public safety and ensure national security by enacting CALEA. The law further defines the existing statutory obligation of telecommunications carriers to assist Law Enforcement in executing electronic surveillance pursuant to court order or other lawful authorization. CALEA is about access, not authority. CALEA does not expand Law Enforcement's fundamental statutory authority to conduct electronic surveillance. It simply seeks to ensure that after Law Enforcement obtains the appropriate legal authority, telecommunications carriers will have the necessary capability, and sufficient capacity, to assist Law Enforcement regardless of their specific systems or services.

The objective of CALEA implementation is to preserve Law Enforcement's ability to conduct lawfully authorized electronic surveillance while preserving public safety, the public's right to privacy, and the telecommunications industry's competitiveness. It is vitally



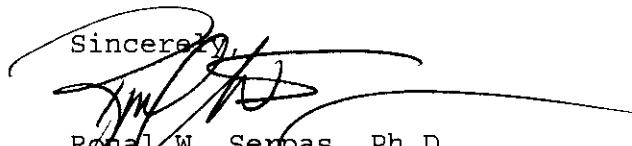
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important, and consistent with Congress's intent in enacting CALEA, that the FCC initiate a rulemaking proceeding and adopt the rules proposed by the DOJ, FBI, and DEA in the above Petition. New communication technology poses a great challenge to state and local law enforcement in that many such providers of these communications services have failed to voluntarily adopt currently available CALEA intercept solutions. Thus, law enforcement has been thwarted in its attempts to implement a lawfully authorized surveillance intercepts. Voluntary industry compliance with CALEA does not work. The FCC has the authority to establish findings that identify telecommunications services that are subject to the requirements of CALEA which are not specifically detailed in the law and requires the FCC to establish by rule the technical requirements for CALEA if a party petitions the Commission believing that the industry standard is deficient.

Furthermore, state and local law enforcement do not have the financial or personnel resources to develop costly *ad hoc* surveillance solutions for each new communications service. Nor should they have to under the current law. For all equipment, services, and facilities deployed after January 1, 1995, Congress, through CALEA, expressly passed the burden of designing and paying for such surveillance solutions onto the telecommunications carriers themselves. Given the importance of the issues discussed above, we, at the Metro Nashville Police Department support the resolution from the Major Cities Chiefs Association. It is important that the FCC promptly act upon the Petition and to commence a rulemaking proceeding adopting the DOJ's, DEA's and FBI's proposed rules.

Sincerely,



Ronald W. Serpas, Ph.D.
Chief of Police